

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Little Flower Degree College, 2-18-25, Little Flower Junior College Campus,
Uppal, R.R. District, Hyderabad, Telangana State- 500 039.**

V/s.

**Secretary to Government, Minorities Welfare Department, "D"Block, Ground
Floor, Telangana Secretariat, Hyderabad – 500 022.**

Case No. 62 of 2020

30.05.2023

Present: Mr. Prasanth Kulambil., Advocate for the petitioner.

None for the respondent.

1. Mr. Prasanth Kulambil, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. Learned counsel for the petitioner again prayed for time to comply with the Commission's earlier Order dated 18.04.2023.
3. In the interest of justice, last and final opportunity is granted.
List on 08.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Shams-UI-Uloom College of Education, Sy. No. 948/3, Ongole Road,
Podili Panchayat, Prakasam District, Andhra Pradesh - 523240.**

Vs.

- 1. Principal Secretary, Minorities Welfare Department, Govt. of Andhra Pradesh, Velagapudi, District – Guntur, Andhra Pradesh.**
- 2. Secretary, Minorities Welfare Department, 3rd Floor, A.P. Secretariat, Velagapudi, Amaravat, Andhra Pradesh.**

Case No. 60 of 2021

30.05.2023

Present: Mr. Prasanth Kulambil., Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth Kulambil, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. Learned counsel for the petitioner submitted that arguing counsel Mr. Junais P. is out of station and prayed for last and final opportunity to comply with the Commission's earlier Orders.
3. In the interest of justice, last and final opportunity is granted.
List on 06.09.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Royal College of Education, Plot No. 973, 965/4, 975/1, Idupur Village,
Markapur Post, Prakasam District, Andhra Pradesh - 523316.**

Vs.

- 1. Principal Secretary, Minorities Welfare Department, Govt. of Andhra Pradesh, Velagapudi, District – Guntur, Andhra Pradesh.**
- 2. Secretary, Minorities Welfare Department, 3rd Floor, A.P. Secretariat, Velagapudi, Amaravat, Andhra Pradesh.**

Case No. 61 of 2021

30.05.2023

Present: Mr. Prasanth Kulambil., Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth Kulambil, Advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. Learned counsel for the petitioner submitted that arguing counsel Mr. Junais P. is out of station and prayed for last and final opportunity to comply with the Commission's earlier Orders.
3. In the interest of justice, last and final opportunity is granted.
List on 06.09.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Josephs School, Patabeda, Pallahara, Angul District, Odisha - 759119.

Vs.

Director, Secondary Education 6th Floor, HOD Building, Unit-V, Bhubaneswar, Khordha, Odisha.

Case No. 235 of 2022

30.05.2023

Present: Mr. Jose Abraham, Advocate for the petitioner.

None for the respondent.

1. Learned counsel for the petitioner filed by hand, submissions against the written submissions of respondent, before the Commission's Office on dated 18.05.2023, which is taken on record.

2. Learned counsel for the petitioner filed by hand, copy of the said submissions along with envelope and postal charges for sending these submissions to the respondent, before the Commission's Office on dated 23.05.2023 and are also taken on record.

3. Office is directed to send written submissions to the respondent for their perusal.

List on 24.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Jain Public School, Badnagar-Badnagar Road, Near Toll Tax, Naka Gram, Dhaulana, Ujjain, Madhya Pradesh - 456771.

Vs.

Secretary, Backward Classes and Minority Welfare Department, Government of M.P., Room No. 339, Mantralaya, Bhopal, M.P. - 462004.

Case No. 236 of 2022

30.05.2023

Present: Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

1. Despite sending letter by post and email to the members of Physical Inspection Committee, we have not received any response from the Physical Inspection Committee till now.
2. Learned counsel for the petitioner submitted that Physical Inspection Committee members have already inspected their institution.
3. Copy of internal communication dated 09.05.2023 received by post from the Joint Director, Social Justice and Special Privilege Empowerment, Ujjain on dated 23.05.2023, which was received in the Commission's Office on dated 23.05.2023 and is taken on record.
4. Office is directed to send reminder by post and also by email to the members of Physical Inspection Committee, for sending the inspection report positively by next date of hearing.

List on 24.08.2023.

**DR. JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

SR

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

**Jain Public School, Opposite Kendriya Vidhayaleya, Sagod Road,
Ratlam, Madhya Pradesh - 457001.**

Vs.

**Secretary, Backward Classes and Minority Welfare Department, Room
No. 339, Mantralaya, Bhopal, Madhya Pradesh -462004.**

Case No. 91 of 2023

30.05.2023.

Present: Mr. Prasanth.K, Advocate for the petitioner.
None for the respondent.

1. Mr. Prasanth. K appeared on behalf of the arguing counsel Mr. Junais P.
2. Despite service of notice by registered post and e-mail, none appeared on behalf of the respondent even in the second round.
3. Respondent has sent by post a letter dated 28.04.2023, which is received in the Commission's Office on dated 09.05.2023 and is taken on record.
4. Office is directed to provide a copy of the above said letter to the learned counsel for the petitioner.
5. Learned Counsel for the petitioner has filed five documents before the Commission's office on dated 23.03.2023, which are taken on record.

In the interest of justice, list on 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Xaviers English Medium School, Halim Chowk, Kishanganj P.O., & District, Bihar - 855107.

Vs.

Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Bailey Road, Patna, Bihar - 800015.

Case No. 92 of 2023

30.05.2023.

Present :Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

1. Despite service of regd. notice and e-mail, none appeared on behalf of the respondent even in the second round and we have not received any response/reply from the State Competent Authority.
2. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-
 1. Representative of the concerned District Collector(Chairperson)
 2. Concerned District Education Officer (Member)
 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).
3. Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.
4. Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

In the interest of justice, list on 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Xavier's School, Ruidhasa, Kishanganj P.O., & District, Bihar - 855107.

Vs.

Director, Primary Education, Ground Floor, Vikas Bhawan, New Secretariat, Bailey Road, Patna, Bihar - 800015.

Case No. 93 of 2023

30.05.2023.

Present :Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

1. Despite service of regd. notice and e-mail, none appeared on behalf of the respondent even in the second round and we have not received any response/reply from the State Competent Authority.
2. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-
 1. Representative of the concerned District Collector(Chairperson)
 2. Concerned District Education Officer (Member)
 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).
3. Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.
4. Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

In the interest of justice, list on 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

St. Joseph's English Medium School, Dumar P.O., Puthi P.S., Katihar District, Bihar - 855107.

Vs.

Director, Primary Education, Ground Floor, Vikas Bhawan, New Secretariat, Bailey Road, Patna, Bihar - 800015.

Case No. 94 of 2023

30.05.2023.

Present : Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

1. Despite service of regd. notice and e-mail, none appeared on behalf of the respondent even in the second round and we have not received any response/reply from the State Competent Authority.
2. In the facts and circumstances of the case we deem it just and proper that physical inspection report alongwith the recommendations may be obtained from the Committee consisting of the following members for issuance of the minority status certificate to the petitioner institution:-
 1. Representative of the concerned District Collector(Chairperson)
 2. Concerned District Education Officer (Member)
 3. Concerned District Minority Welfare Officer/ Concerned District Social Welfare Officer (Member Secretary).
3. Office is directed to issue letter to the above authorities and also to provide a copy of the letter to the learned counsel for the petitioner.
4. Learned Counsel for the petitioner is directed to approach the members of the Physical inspection Committee and provide all the relevant documents to the said Committee.

In the interest of justice, list on 05.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Jamia Islamia Primary/Middle School, Ayodhya Basti, Ward No. 13, Mahidpur District Ujjain, Madhya Pradesh - 456443.

Vs.

Secretary, Backward Classes and Minority Welfare Department, Govt. of Madhya Pradesh, Room No. 339, Mantralaya, Bhopal, Madhya Pradesh - 462004.

Case No. 120 of 2023

30.05.2023.

Present: None .

1. Despite show cause registered notice to the petitioner and e-mail also, none appeared on behalf of the petitioner, even in the second round.

2. Petitioner has sent by post a short reply dated 22.05.2023, which is received in the Commission's Office on dated 25.05.2023 and is taken on record.

The reply is mentioned as under:

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4. On perusal of the petition filed by the petitioner, it is found that the petitioner has mentioned against the column No. 4 (iii) that their MSC application has been rejected by the respondent, the Competent Authority of State of M.P. but he has not attached any rejection order with this petition. It is pertinent to mention here that if the MSC application is rejected by the State then certainly appeal against the said rejection Order lies under section 12(B) of the NCMEI Act, 2004 and so, this petition for grant of MSC is not maintainable as such.

5. As per the Commission's earlier Order dated 03.05.2023, petitioner has not filed any affidavit in support of the petition , UID issued by Niti Aayog, General Body Resolution of petitioner Society, Envelope with postage for sending notice to the respondent with this petition. The specific beneficiary clause is also not available in the MoA of the Society that this Society is for the benefit of the Muslim Minority Community and in general for all.

6. As per the previous Order sheet dated 03.05.2023, the petitioner has not applied for grant of No Objection Certificate before the State Competent Authority.

7. The Hon'ble Supreme Court in Civil Appeal No. 3945 of 2018 in case of Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. vide order dated 18.04.2018, has held that any person who desires to establish a minority educational institution after the amendment Act of 2006 came into force, must apply only to the competent authority for grant of No Objection Certificate for the said purpose.

8. All applications for the establishment of a minority educational institution after the amendment Act of 2006 must go to the competent authority set up under the statute.

Cont.....2/-

Case No. 120 of 2023

30.05.2023.

Continued from pre page

9. So as per the law and settle procedure, petitioner cannot apply before this Commission until unless the disposal of that application which is still pending before the State Competent Authority. So this application is not maintainable at this stage.

10. After giving registered notice to the petitioner, none appeared on behalf of the petitioner and he has sent the letter dated 22.05.2023 to the Commission but has not filed any satisfactory reply.

11. Hence, this petition is rejected at this stage however the petitioner is free to move fresh application as per the law and settled procedure laid down by the Commission.

Hence, the petition is disposed of accordingly.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

RS

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

30.05.2023

Insan Girls Senior Secondary School, Shiksha Nagar, Kishanganj, Bihar.

Vs.

State of Bihar through Director, Secondary & Senior Secondary Education, Ground Floor, Vikas Bhawan, New Secretariat, Daily Road, Patna, Bihar - 800015.

Present: Mr. Prasanth K., Advocate for the petitioner.

1. Mr. Prasanth K., advocate appeared on behalf of the arguing counsel Mr. Junais P.
2. This petition filed by the Insan Girls Senior Secondary School, Shiksha Nagar, Kishanganj, Bihar u/s 11 (b) of NCMEI Act 2004, which was received in the Commission by hand on 18.05.2023 for seeking protection to administer petitioner Minority Institution properly with affiliation. It be registered in the head of miscellaneous case.
3. By this petition, petitioner is seeking for the following reliefs:
 - Pass an order/enquire about the deprivation/violation of minority rights caused to the Petitioner/Applicant institution to administer its institution of their choice, due to the inappropriate delay on the part of the competent authority to consider the application for grant of affiliation of Petitioner/Applicant Institution.
 - Pass an order directing the Competent Authority to consider and pass appropriate order on the application for grant of affiliation of Petitioner Institution on time bound.
 - Pass any order/orders that this Hon'ble Commission may deem fit and proper in favour of the Petitioner/ Applicant Institution in the interest of justice.
4. We have heard learned counsel for the petitioner at some length on admission of the petition.
5. As per the provisions of the Section 11 (b) of the NCMEI Act. 2004, the powers vested in the Commission are to enquire, suo – motu, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer education institutions of their choice and any dispute relating to affiliation to a University and report its findings to the appropriate Government for its implementation.
6. As per the contention of the learned counsel for the petitioner they have approached to the State Competent Authority for grant of affiliation to the petitioner institution but their application has been rejected by the Authority on dated 21.08.2019. Thereafter, again petitioner has re-submitted application for grant of affiliation on dated 14.10.2022.

Contd...

30.05.2023

**Insan Girls Senior Secondary School, Bihar.
Vs.
State of Bihar through Director, Bihar - 800015.**

Continued from pre-page

7. It means after rejection of application they have re-submitted their application for grant of affiliation after more than three years and now petitioner prayed to give direction to the State Competent Authority for time bound order, because there is an inappropriate delay.
8. Learned counsel for the petitioner is unable to satisfy us that whether in facts and circumstances of the case there is any inappropriate delay in deciding the application.
9. Learned counsel for the petitioner submitted that arguing Counsel Mr. Junais P. is out of station and they want to argue with some authorities more and prayed for time. In the interest of justice, time prayed for is allowed.

List on 06.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

30.05.2023

St. Dominic Savio High School, Gauravaddo, Clangute, Goa - 403516.

Vs.

**Principal Secretary (Home), Department of Home (General), Secretariat,
Porvorim-Goa - 403521.**

Present: Mr. Jose Abraham, Advocate for the petitioner.

1. An application has been received by hand on 18.05.2023 from St. Dominic Savio High School, Gauravaddo, Clangute, Goa – 403516, for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 27.08.2022, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Principal Secretary (Home), Department of Home (General), Secretariat, Porvorim-Goa - 403521, which was received by the respondent on 02.09.2022. The said petition is still pending. The petitioner has waited sufficiently for a period of 90 days, before filing this petition.
3. The petitioner has already filed proof of delivery of the registered AD to the respondent.
4. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
5. It also transpires from the petition that the petitioner institute is Un-aided school (Secondary level). During the academic year 2020-21 out of 266 enrolled students 70 Students are from the Christian Minority Community, in 2021-22 out of 207 students 55 are from the Christian Minority Community and in 2022-23 out of 272 students 72 students belongs to the Christian Minority Community.
6. In this petition Amendment has been made in the Memorandum of Association prior to the filing of NOC application before the State Competent Authority u/s 10 of NCMEI Act. 2004 and filing of MSC application before the Commission
7. In this case, office has reported that the petitioner has filed certificate for change of School name instead of Recognition / Affiliation Certificate.
8. On perusal of the petition it is found that petitioner has filed two orders issued by Goa Board of Secondary and Higher Secondary Education to clarify the above mentioned issue related to the recognition certificate. So office report in respect to the recognition is ignored.
9. Office is directed to issue notice by registered Ad and e-mail to the respondent.

In the interest of justice, list on 06.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

30.05.2023

Don Bosco School, Makarpura Road, Baroda, Gujarat - 390009.

Vs.

**Director, Primary Education, Dr. Jivraj Mehta Bhawan, 2nd Floor, 12/1,
Gandhinagar, Gujarat - 382010.**

Present: Mr. Jose Abraham, Advocate for the petitioner.

1. An application has been received by hand on 18.05.2023 from Don Bosco School, Makarpura Road, Baroda, Gujarat - 390009 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 06.02.2023, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. Director, Primary Education, Dr. Jivraj Mehta Bhawan, 2nd Floor, 12/1, Gandhinagar, Gujarat - 382010, which was received by the respondent on 08.02.2023. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
4. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
5. It also transpires from the petition that the petitioner institute is Un-aided school (Middle level). During the academic year 2020-21 out of 2175 enrolled students 226 Students are from the Christian Minority Community, in 2021-22 out of 2270 students 254 are from the Christian Minority Community and in 2022-23 out of 2317 students 262 students belongs to the Christian Minority Community.
6. In this petition, amendment has been made in the Trust Deed prior to the filing of NOC application before the State Competent Authority u/s 10 of NCMEI Act. 2004 and filing of MSC application before the Commission
7. Office is directed to tag the file No. 56 of 2021 with this case and issue notice by registered AD and e-mail to the respondent.

In the interest of justice, list on 06.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

30.05.2023

SD Memorial Primary School, Mahmoodnagar, Muzaffarnagar, Uttar Pradesh - 251002.

Vs.

**The Additional Chief Secretary, Basic Education Department,
Government of Uttar Pradesh, Vidya Bhawan, Nishantganj, Lucknow,
Uttar Pradesh - 226007.**

Present: Mr. Jose Abraham, Advocate for the petitioner.

1. An application has been received by hand on 18.05.2023 from SD Memorial Primary School, Mahmoodnagar, Muzaffarnagar, Uttar Pradesh - 251002 for grant of minority status certificate. It be registered.
2. It transpires from the petition that on 30.01.2023, the petitioner has applied for grant of No Objection Certificate to the State Competent Authority i.e. The Additional Chief Secretary, Basic Education Department, Government of Uttar Pradesh, Vidya Bhawan, Nishantganj, Lucknow, Uttar Pradesh - 226007, which was received by the respondent on 06.02.2023. The said petition is still pending. The petitioner has waited sufficiently for period of 90 days, before filing this petition.
3. The petitioner has already filed the proof of delivery of the registered AD to the respondent.
4. Petitioner has filed Resolution Passed by the Governing Body to obtain Minority Status Certificate from this Commission and envelope with postage for sending notice to the State Competent Authority.
5. It also transpires from the petition that the petitioner Institute is Un-aided school (Primary level). During the academic year 2023-24 total 212 students are studying and all are belongs to the Muslim Minority Community.
6. In this petition Amendment has been made in the Memorandum of Association prior to the filing of NOC application before the State Competent Authority u/s 10 of NCMEI Act. 2004 and filing of MSC application before the Commission
7. In this case, office has reported that Mr. Mohd. Kamil has filed affidavit in support of the MSC application and he is also the signatory of the MSC application. However, his name is not available in the list of members certified by the Registrar of the Societies and petitioner has filed temporary recognition certificate without validity period.
8. We have perused the amended MoA and found that name of Mr. Mohd. Kamil is available at the Sr. No. 3 of the Amended MoA. So office report is ignored.
9. Office is directed to tag the file No. 23 of 2021 with this case and issue notice by registered Ad and e-mail to the respondent.

In the interest of justice, list on 06.09.2023.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

A.K.

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Abhinav Bharti Trust (Sheth Shree A.S. Kothari Abhinav Bharti Uttar Buniyadi Vidhyalaya), Terabada-Village, Tal-Kankrej, District Banaskantha, Gujarat

V/s

- 1. The Commissioner / Director of Schools, 9/1, Dr. Jivraj Mehta Bhavan, Gandhinagar, Gujarat**
- 2. Deputy Director, Directors of School Old Sachivalaya Block 9/1, Gandhinagar, Gujarat**

Appeal No. 05 of 2020

30.05.2023

Present: None

Order dictated separately and pronounced, which reads as under:

“In the light of above observation, the impugned order dated 13.11.2019 does not reveal any rationale for rejecting the application for grant of MSC, therefore, the impugned order dated 13.11.2019 is hereby set aside. The matter is remanded to the respondent state competent authority of Gujarat for deliberating on the application for grant of minority status to the appellant institution after perusal of all the documents and hearing after giving opportunity to the appellant.

The State competent authority of Gujarat is to deliberate on the application on its merits for grant of MSC to the appellant at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority of Gujarat immediately for compliance of this order.”

In view of the above, the present appeal is disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Abhinav Bharti Trust (Sheth Shree Manilal Dharamchand Abhinav Bharti Vidhyalaya), Khimana, Tal-Kankrej, District Banaskantha, Gujarat

V/s

- 1. The Commissioner / Director of Schools, 9/1, Dr. Jivraj Mehta Bhavan, Gandhinagar, Gujarat**
- 2. Deputy Director, Directors of School Old Sachivalaya Block 9/1, Gandhinagar, Gujarat**

Appeal No. 06 of 2020

30.05.2023

Present: None

Order dictated separately and pronounced, which reads as under:

“In the light of above observation, the impugned order dated 13.11.2019 does not reveal any rationale for rejecting the application for grant of MSC, therefore, the impugned order dated 13.11.2019 is hereby set aside. The matter is remanded to the respondent state competent authority of Gujarat for deliberating on the application for grant of minority status to the appellant institution after perusal of all the documents and hearing after giving opportunity to the appellant.

The State competent authority of Gujarat is to deliberate on the application on its merits for grant of MSC to the appellant at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority of Gujarat immediately for compliance of this order.”

In view of the above, the present appeal is disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Abhinav Bharti Trust (Shrimati J.S. Pethani Abhinav Bharti Uttar Buniyadi Vidhyalaya), Raner Village Tal Kankrej, District Banaskantha, Gujarat

V/s

- 1. The Commissioner / Director of Schools, 9/1, Dr. Jivraj Mehta Bhavan, Gandhinagar, Gujarat**
- 2. Deputy Director, Directors of School Old Sachivalaya Block 9/1, Gandhinagar, Gujarat**

Appeal No. 07 of 2020

30.05.2023

Present: None

Order dictated separately and pronounced, which reads as under:

“In the light of above observation, the impugned order dated 13.11.2019 does not reveal any rationale for rejecting the application for grant of MSC, therefore, the impugned order dated 13.11.2019 is hereby set aside. The matter is remanded to the respondent state competent authority of Gujarat for deliberating on the application for grant of minority status to the appellant institution after perusal of all the documents and hearing after giving opportunity to the appellant.

The State competent authority of Gujarat is to deliberate on the application on its merits for grant of MSC to the appellant at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority of Gujarat immediately for compliance of this order.”

In view of the above, the present appeal is disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Abhinav Bharti Trust (Shri C.V. Shah Uttar Buniyadi Abhinav Bharti Vidhyalaya), Village Vada, Tal-Kankrej, District Banaskantha, Gujarat

V/s

- 1. The Commissioner / Director of Schools, 9/1, Dr. Jivraj Mehta Bhavan, Gandhinagar, Gujarat**
- 2. Deputy Director, Directors of School Old Sachivalaya Block 9/1, Gandhinagar, Gujarat**

Appeal No. 10 of 2020

30.05.2023

Present: None

Order dictated separately and pronounced, which reads as under:

“In the light of above observation, the impugned order dated 13.11.2019 does not reveal any rationale for rejecting the application for grant of MSC, therefore, the impugned order dated 13.11.2019 is hereby set aside. The matter is remanded to the respondent state competent authority of Gujarat for deliberating on the application for grant of minority status to the appellant institution after perusal of all the documents and hearing after giving opportunity to the appellant.

The State competent authority of Gujarat is to deliberate on the application on its merits for grant of MSC to the appellant at the earliest, expeditiously.

In addition to the rules and in the interest of justice, appellant is also directed to produce certified copy of the order of this Commission before the State Competent Authority of Gujarat immediately for compliance of this order.”

In view of the above, the present appeal is disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB

**GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS**

Sacred Heart Nursery & Primary School, East Pandy Road, Villupuram, Tamil Nadu-605602

V/s

Principal Secretary, School Education Department, Govt. of Tamil Nadu, Fort St. George, Secretariat, Chennai, Tamil Nadu

Case No. 416 of 2020

30.05.2023

Present: Mr. Prasanth K, Advocate for the petitioner
None for the respondent

Order dictated separately and pronounced, which reads as under:

“Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that Sacred Heart Nursery & Primary School, East Pandy Road, Villupuram, Tamil Nadu-605602 run by Sacred Heart Convent Educational Society is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Christian minority community.

Consequently, Sacred Heart Nursery & Primary School, East Pandy Road, Villupuram, Tamil Nadu-605602, which is from Nursery to 5th Std., is declared as an unaided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004 subject to the condition that the petitioner would file an affidavit or undertaking to the fact that the petitioner institution shall not deny admission of eligible candidate of the Christian minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. If the petitioner institution failed to comply the above order of this Commission within a period of three months from the date of order passed by this Commission then the petition filed by the petitioner for grant of MSC will be automatically deemed to be dismissed.”

After compliance of the above order, a minority status certificate be issued accordingly.

In view of the above, the present petition is disposed of in accordance with this order.

**JUSTICE NARENDRA KUMAR JAIN
CHAIRMAN**

**DR. JASPAL SINGH
MEMBER**

**DR. SHAHID AKHTER
MEMBER**

VB